

**STATE BAR OF CALIFORNIA
INTELLECTUAL PROPERTY SECTION
TRADE SECRET COMMITTEE**

September 23, 2003 Meeting Minutes

1. Attendance. The following committee members attended the September 23, 2003 telephonic meeting: Glenn Dickinson, Bec Edelson, Randy Kay, David Morales, Lou Karasik, and Ben Scheibe.

2. Selection of New Chair and Vice-Chair of the Trade Secrets Committee.

Outgoing Trade Secret Committee Chair, Randy Kay, announced the selection of Ben Scheibe and David Morales as the incoming Chair and Vice-Chair of the Trade Secret Committee, respectively. Randy Kay will become the Committee's new Liaison to Executive Committee. Thanks to Bec Edelson for her valuable assistance in that role. Michael Mullin of the State Bar should be contacted regarding updates to the Trade Secret Committee web page.

3. Speaking Opportunities and Continuing Education.

The members discussed the programs being put on by Lou Karasik and by Randy Kay, Ben Scheibe, and Beth Parker at the IP Institute on November 8-9, 2003. Also discussed was the possibility of informal "brown bag" speaking opportunities which may be available for members in each of their geographical regions. General support was expressed for the development of such a program.

4. Publicity for the Upcoming IP Institute and Other Programs.

It was suggested that the Committee's list-serve system be used to distribute announcements regarding the upcoming IP Institute and other programs. [This was subsequently done.]

5. Special Provisions for the Trade Secret Committee Meeting at the IP Institute.

It was suggested that the Committee provide special refreshments, e.g., Krispy Krème doughnuts, wine or champagne, for the upcoming meeting to encourage participation and a festive atmosphere. The Committee's Liaison would check with the Bar regarding the potential budget. [By executive decision, wine will be served, courtesy of David Morales.]

6. Legal Updates/Discussion of New Cases.

We briefly discussed *Pitzen v. Veritas Software Corp.*, regarding agreements intended to protect trade secrets. The court held that such one-sided agreements with arbitration clauses are unenforceable. [There will be further discussion of this case at the November meeting.]

7. Writing Opportunities.

A. New Matter.

It is our goal to have an article on trade secret law in each issue of New Matter. We may already have one article prepared for the next issue of New Matter, but we should encourage the submission of additional articles for future issues.

B. Treatise "California Trade Secret Law: Practice and Procedure".

Randy Kay reported that the release of the California trade secret practice guide should occur in the next few months.

8. Upcoming Conferences. Upcoming conferences that are expected to address trade secret law include:

November 7-8, 2003 – State Bar IP Section's IP Institute at the San Francisco Fairmont. The Trade Secret Committee will meet in person at the IP Institute in a breakout session on Friday November 7, 2003 from 4:15 p.m. to 5:15 p.m. All Trade Secret committee members are urged to attend the IP Institute and the committee breakout session. Ben Scheibe, Randy Kay and Beth Parker are slotted to present a program on recent developments in trade secret litigation at the IP Institute.

May 2004 – the IP Section plans to hold a seminar on “Intellectual Property Litigation Issues for In-house Counsel”. One of the programs for that seminar will be on protecting companies’ trade secrets and competitive position from misuse by employees, independent contractors and competitors before and during litigation. Bec Edelson and Randy Kay will present that program.

9. Next Meeting. The Trade Secret Committee will have its annual meeting on Friday, November 7, 2003 at 4:15 p.m., during the State Bar’s Intellectual Property Institute.